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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 264/2007

DIPALI LAXMANRAO AWARE Vs. UNION OF INDIA & ORS.

Date: 04.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Neeraj K. Tiwari for the petitioner.
Mr. Kunal Rawat for the respondents.

This writ petition is directed against the order dated 19.12.2006 passed by the DIG (Pers.-II), which has been issued in pursuance of the letter dated 04.12.2006 written by the Additional DIG, GC-I, Ajmer.

Vide Annexure-1 dated 19.12.2006 which is under challenge in this writ petition, the petitioner was transferred to 135(M) BN with immediate effect and this Court vide ex parte interim order dated 15.01.2007 has stayed the operation of the transfer order dated 19.12.2006 (Annexure-1) issued in pursuance of the letter dated 04.12.2006 in so far as it relates to the petitioner.

Learned counsel for the petitioner submits that the petitioner was working as lady Constable and transferred to Ajmer on 02.07.2003 and there are only 5

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posts of lady constables and Head Constables in the said Battalion and the stay of the petitioner had been too short in comparison to the other 4 lady constables reference of which has been made in para No. 6 of the writ petition, but in order to accommodate some other lady constables the petitioner has been transferred from Ajmer to 135 (MBN) at Gandhi Nagar, Gujrat.

In para No. 6 of the writ petition the detail of other lady constables has been given by the petitioner whose stay at Ajmer is longer in comparison to the petitioner.

The respondents admitted the fact that there are other lady constables having longer stay at Ajmer but the petitioner has been transferred as she has completed three years stay at Ajmer.

I have heard rival submissions of the respective parties and carefully perused the impugned order dated 19.12.2006.

As per the averments made in para No.6, it is not denied by the respondents that other lady constables who are retained at Ajmer having longer stay but the petitioner was only chosen and it was stated that as per the administrative exigency since the petitioner has completed her minimum stay period of three years, therefore, transfer order was passed. In

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view of the interim order the petitioner is continuing at Ajmer since 15.01.2007.

As the transfer order could not be made operative so far as the petitioner is concerned, therefore, at this stage, I deem it proper to quash and set-aside the said transfer order dated 19.12.2006 with liberty to pass fresh order in accordance with the provision of law.

With these observations, the writ petition stands disposed of. The ex parte interim order dated 15.01.2007 granted by this Court stands rejected.

The application under Article 226(3) of the Constitution of India also stands disposed of.

(K.S. RATHORE), J.

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